


Entered - 02/20/01 - sb
CL01L0129 - DIANNE C. MITCHELL

CLAIM OF: **MR. AND MRS. JAMES CALDWELL AND
JAMES CALDWELL, JR.,
through their attorney,
Richard W. Hendrix
225 Peachtree Street, NE
1700 South Tower
Atlanta, Georgia 30303**

01- *R* -1252

For damages alleged to have been sustained as a result of personal injuries due to a fall on November 26, 2000 at the Atlanta Civic Center.

THIS ADVERSED REPORT IS APPROVED

BY: 
**ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY**

M. Mitchell
02/19/01
[Signature]

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February 15, 2001

CERTIFIED MAIL.
RETURN RECEIPT REQUESTED

The Honorable Rob Pitts
Chair, Atlanta City Council
55 Trinity Avenue, Suite 2900
Atlanta, GA 30335

**Re: Mr. and Mrs. James Caldwell and James Caldwell, Jr.
v. City of Atlanta**

Dear Mr. Pitts:

Pursuant to O.C.G.A. § 36-33-5(b), as well as the enclosed instructions appearing on the City of Atlanta's website, this is to provide notice of claim by Mr. and Mrs. James Caldwell, individually and as parents and natural guardians of James Caldwell, Jr., and by James Caldwell, Jr., against the City of Atlanta¹, for damages resulting from serious personal injuries sustained by James Caldwell, Jr., on November 26, 2000, at the Atlanta Civic Center, 395 Piedmont Avenue, N.E., Atlanta, Georgia 30308.

At the time of the occurrence in question, a performance of "God Don't Like Ugly" had just concluded at the Civic Center. The negligence which caused the injuries to James Caldwell, Jr. includes the failure to keep members of the public, including children, out of the orchestra pit at the Atlanta Civic Center; creation and maintenance of a mantrap, consisting of a camouflaged void at the edge of the orchestra pit next to the floor of the stage, where a black curtain was hung, giving the impression that a wall existed behind the curtain, when in fact, there was a void behind the curtain leading to a drop to a lower level concrete surface; and failure to warn of said dangerous conditions.

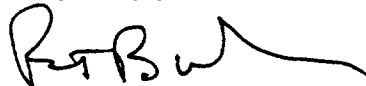
¹ We believe there are also other persons and entities who have joint and several liability with the City of Atlanta to the Caldwells.

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As a consequence of these negligent acts, James Caldwell, Jr., who was in the orchestra pit with other members of the public, fell through the curtain and to the concrete floor below, where he sustained a serious head injury. He is presently unconscious and is being kept alive by use of a ventilator.

At this time, it is difficult to quantify the damages resulting from this incident. While it is not necessary for this notice to itemize the damages sought against the City (Canberg v. City of Toccoa, 245 Ga. App. 75, 78 (2000)), we are confident this claim will be in the millions of dollars.

Very truly yours,



Robert B. Wedge
Counsel for Mr. and Mrs. James Caldwell

cc: Susan Pease Langford, Esq., City Attorney (via facsimile and First Class Mail) ✓
Thomas Magill, Esq. (via facsimile and First Class Mail)

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